



October 30, 2009

VIA CM/ECF AND HAND DELIVERY

Honorable Ann D. Montgomery
United States District Court Judge
United States District Court
13W U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: In re Wholesale Grocery Products Antitrust Litigation, MDL 2090

Dear Judge Montgomery:

I am one of the counsel for defendant C&S Wholesale Grocers, Inc. in the above-captioned matter. I am writing on behalf of both C&S and defendant SuperValu, Inc.

MDL 2090 currently consists of four cases. Two of those cases (*D&G, Inc. et al. v. SuperValu, Inc., et al.* (0:09-983 D. Minn.) and *DeLuca's Corp. v. C&S Wholesale Grocers, Inc., et al.* (1:09-213 D.N.H.)) are currently before this Court. Another case, *Blue Goose Super Market, Inc. v. C&S Wholesale Grocers, Inc. et al.* (1:09-5910 N.D. Ill.) is the subject of a conditional transfer order issued by the J.P.M.L. Absent some objection, that conditional transfer order will become final on November 6, 2009. Finally, a fourth case, *Charles W. Prather Co., Inc v. C&S Wholesale Grocers, et al.* (0:09-2932 D. Minn.), was filed in this district last week and assigned to Judge Schiltz. Counsel for *Prathers* and I have been in touch with your chambers and we understand that the *Prathers* case will be reassigned to Your Honor.

Defendants are in the process of conferring with plaintiffs' counsel in an effort to see if the parties can work out a stipulation and proposed case management order that would govern the organization of plaintiffs' counsel, the possibility of plaintiffs' filing a consolidated complaint, the time for defendants to file a response to such complaint, including the briefing of a possible motion to dismiss, and other case management issues. We hope the parties will be in position to file such a stipulation and proposed order shortly.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Wind", with a stylized flourish at the end.

Todd Wind

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